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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,052	10/22/2003	Barry Charles Kilby	12406/83	7288
7590 KENYON & KENYON One Broadway New York, NY 10004			EXAMINER PANDYA, SUNIT	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/02/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/692,052

**Applicant(s)**

KILBY ET AL.

**Examiner**

Sunit Pandya

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 1/26/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Priority***

The instant application claims priority to an earlier application submitted May 19, 2000.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 1/26/2004 is acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 & 1.98. Accordingly, the examiner has considered the references listed therein.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-19, 21, 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille (US Patent 5,855,514), and further in view of Schneier et al. (US Patent 5,768,382).

Claims 1, 3, 6-11, 15-19, 21, 23-29: Kamille teaches a ticket having an identification code security features that can be accessed over a network (abstract, figures 3, 4A and col. 5: 35-49). While Kamille teaches an embodiment, whereby the player can play via the Internet, however Kamille is silent on the player entering the security feature at the player's computer. In an analogous online gaming system with

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security features, Schneier et al. teaches the player entering various types of access codes including biometric data in order to access a game (abstract; figure 1A element 31). It would have been obvious to one with ordinary skill in the art at the time of the invention to employ the entry of security information to play the game in Kamille as taught by Schneier to ensure the correct participant is awarded the prize (this is well known in online gaming).

Claim 2, 12-13: Kamille in view of Schneier et al. teaches all of the limitations disclosed in the stated claims. Kamille teaches that the game could be played via a computer (col. 5: 6-31, 33-45). Kamille is silent as to the type of input device used to enter game information. It would have been obvious to one with ordinary skill in the art at the time of the invention to employ the use of a mouse to enter the player's selections because inputting information using a mouse into a computer is notoriously well known in the art.

Claim 14: Kamille in view of Schneier teaches all of the limitations substantially as claimed, however Kamille is silent on the particular pointer input device used as discussed above and further Kamille also does not teach the display of the pointer in the shape of the winning object. However, it is well known in the art to have icons appear when the player points to a certain object on the screen. This feature can be employed by programming it into the code for the web page. Thus it would have been obvious to one with ordinary skill in the art at the time of the invention to include a pointer in the shape of an object on the screen to make the game more interesting for the player.

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Claims 4-5, 20, 22 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille in view of Schneier et al. as applied to claims 1-3, 6-19, 21, 23-29 above, and further in view of Roberts (US Patent 5,772,510).

Claims 4-5, 20, 22 and 30: Kamille in view of Schneier et al. substantially discloses all of the claimed limitations. However Kamille is silent on the feature of obtaining the tickets over a network point of sale. Roberts teaches the feature of remote point of sale (figure 3). It would have been obvious to one with ordinary skill in the art at the time of the invention to include point of sale in Kamille, to provide convenience to the player, whereby they are able to obtain lottery tickets at a plurality of different locations.

### ***Conclusion***

This is a continuation of applicant's earlier Application No. 09/575501. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is (571) 272-2823. The examiner can normally be reached on M - F: 7:30 am - 5 pm.

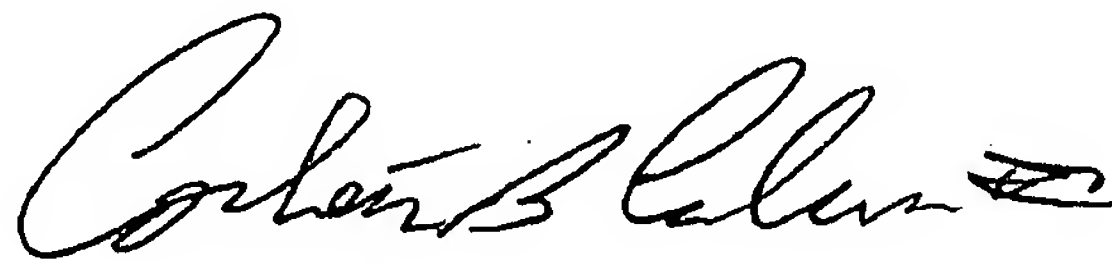
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", with a stylized flourish at the end.

**CORBETT B. COBURN  
PRIMARY EXAMINER**